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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,108	01/19/2004	Andrew D. Cohen	CCCI 0121 PUS	3120
50764 7590 08/01/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
BAIG, SAHAR A				
ART UNIT		PAPER NUMBER		
2623				
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08/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,108

Applicant(s)

COHEN, ANDREW D.

Examiner

SAHAR A. BAIG

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 01/19/2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, 11, 13-20, rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. US Patent Publication No. 2004/0031053 in view of Hara et al. US Patent Publication No. 2003/0126623.

Regarding Claim 1, 11, and 20, Lim discloses a system for providing television (TV) service including high definition television (HDTV) service, and for providing verification that a subscriber has connected an HDTV to the system **[0015; Once the server confirms registration of the user based on the user-initiated request for HDTV programming it is established that the user is connected to a device capable of viewing HDTV.]** The system **Fig.1** comprises a TV service provider headend **10**; and a set top box (STB) **34** electrically coupled **30** to the headend. HDTV presents a data signal to the STB and the STB presents the data signal to the headend **[Fig. 1 STB 34 and TV 36 & [0012], The system provides one of the HDTV-level multimedia service programs corresponding to the channel requested by the user of the client terminal device; and an access network connected between the service provider and the client terminal device for**

providing a communication path there between so that the client terminal device can receive the one of the HDTV-level multimedia service programs through the subscriber line].

However Lim fails to explicitly teach of a HDTV having an HDTV digital video interface (DVI) interconnect, and when the HDTV DVI interconnect is initially electrically coupled to the STB DVI interconnect, the HDTV presents a data signal to the STB and the STB presents the data signal to the headend. In an analogous art, Hara discloses these limitations in **Figure 1**. The HDTV is shown to have DVI capabilities [0019 lines 22-26]. Furthermore the set-top box is shown to be in electrical communication with the high definition television. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Lim and Hara to achieve a system capable of notifying the provider of HDTV capabilities.

Regarding Claim 3, 4, 13, and 14, Lim discloses a system wherein the headend presents a control signal and the HDTV presents the data signal in response to the control signal [0043].

Regarding Claim 5 and 15, Lim discloses a system wherein the headend presents the control signal periodically [0054].

Regarding Claim 6, 7, 16 and 17, Lim discloses a system wherein wherein the STB presents a control signal and the HDTV presents the data signal in response to the control signal [0047].

Regarding Claim 8, 9 and 18, Lim discloses a system wherein the TV service comprises analog and digital (DTV) TV service and wherein the TV service provider headend is at least one of a cable TV provider headend and a satellite TV headend [0032].

Regarding Claim 10 and 19, Lim discloses a system wherein the headend is coupled to the STB via a network and the network comprises hybrid fiber coaxial cable [0023].

3. Claims 2 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. US Patent Publication No. 2004/0031053 in view of Hara et al. US Patent Publication No. 2003/0126623 in further view of Takamine et al. US Patent Publication No. 2005/0198566.

Regarding Claim 2 and 12, the combined teachings of Lim and Hara disclose all of the limitations except the use of a data signal that comprises manufacturer and model of the HDTV. In an analogous art, Takamine discloses a STB (2) in communication with a television monitor wherein the TV monitor (6) sends specification information such as the model code and the manufacturing information to the STB (2). Therefore it would have been obvious to combine the teachings of Lim, Hara and Takamine to produce a system capable of sending the TV manufacturing data to the STB.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It includes Fridley et al. US Patent No. 6,005,486.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/

Primary Examiner, Art Unit 2623